



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET #SC2002-0005**

December 20, 2002

Stabile Homes At Overlook, Inc  
Attn: Moe Paquette  
21 Manchester Street  
Merrimack, NH 03054

**RE: Wetlands Bureau File #2001-2028/Site Specific #WPS-6088, off Tuttle Lane, Dover  
Tax Map M / Lot 83.**

Dear Mr. Paquette:

On December 18, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection for the above referenced property, more specifically referenced on Dover Tax Map M as Lot 83 (the "Property"). The purpose of the inspection was to determine compliance with RSA 485-A:17, Water Management and Protection Law and RSA 482-A, the New Hampshire Wetlands Law.

During the inspection, the following deficiencies were documented:

(1) Construction is not in accordance with the approved plans approved for both the Wetlands Permit #2001-2028 and Site Specific #WPS-6088. Specifically:

a. Unauthorized filling of approximately 4,000 sq. ft. of wetlands took place on the property, specifically, lot M/83-3 on the plans.

(2) Temporary erosion control measures not in place as required by the approved plans referenced above. Specifically:

Silt fence located on Overlook Drive from station 7+60L to station 9+00L at the toe of the slope from treatment swale #47 not installed in accordance with the approved plans.

b. Loam stockpile on Overlook Drive just north of treatment swale #47 is not stabilized in accordance with approved plans. Silt fence surrounding stockpile not installed in accordance with approved plans.

Loam stockpile on corner of Overlook Drive and Canney Lane at lot 10 – station 11+00R is not stabilized in accordance with approved plans. Silt fence not installed around stockpile as required by the approved plans.

d. Loam stockpile on Overlook Drive at the Public Service Company of New Hampshire easement – station 12+00L is not stabilized in accordance with approved plans. Excessive sediments have accumulated in the silt fence at the toe of the slope of the stockpile.

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- e. Loam stockpile at the end of the cul-de-sac on Overlook Drive at lot 7 is not stabilized in accordance with approved plans. Silt fence surrounding stockpile not installed in accordance with approved plans.
- f. Slopes surrounding the inlet located on Overlook Drive at station 13+00R not stabilized in accordance with approved plans.

In response, you are requested to take the following actions:

**Unauthorized Wetlands Fill**

- (1) Retain a qualified wetland consultant to generate a plan which depicts existing conditions of lot M/83-3 showing the topography of the property and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.
- (2) Submit both the existing conditions plan, and a restoration plan no later than January 20, 2003 for review and approval including:
  - a. A plan with dimensions for the removal of approximately 4,000 sq. ft. of unpermitted fill in wetlands and regrading the disturbed area to original contours;
  - b. Planting plan (forested/scrub-shrub wetland species) for the stabilization of the removal area;
  - c. Equipment and methods of erosion control (silt fence, hay bales, etc.);
  - d. Construction sequence and timetable for accomplishing remediation no later than April 20, 2003.
- (3) Retain a qualified wetland consultant to supervise and execute the requests of this letter.
- (4) Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.

**Temporary Erosion Control Measures**

- (1) Place hay mulch and apply temporary seeding on all of the stockpiles by January 3, 2003; 85% to 90% of the disturbed areas should be covered by the mulch and seeding.
- (2) Install temporary erosion control measures surrounding the stockpiles in accordance with the approved plans by January 3, 2003.

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(3) Install silt fence located on Overlook Drive from station 7+60L to station 9+00L at the toe of the slope from treatment swale #47 in accordance with the approved plans by January 3, 2003.

(4) Clean out the excessive sediments that have accumulated in the silt fence at the toe of the slope of the stockpile located at the Public Service Company of New Hampshire easement – station 12+00L and replacing the affected sections of silt fence by January 3, 2003.

(5) Place hay mulch and apply seeding on the slopes surrounding the inlet located on Overlook Drive at station 13+00R by January 3, 2003.

DES also requests that a written status report for the above-mentioned items be submitted by January 10, 2003. The report may be addressed as follows:

David Price, Enforcement Investigator  
Wetlands Bureau  
Department of Environmental Services  
360 Corporate Drive  
Suite 2  
Portsmouth, NH 03801

RSA 482-A, the New Hampshire Wetlands Law and RSA 485-A:17, Water Management and Protection Law were enacted to protect and preserve wetlands, surface waters and alteration of terrain activities from unregulated despoliation.

Failure to comply with RSA 482-A and RSA 485-A:17 will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules. Issuance of this letter shall not preclude further enforcement by DES.

**NHDES Wetlands File #2001-2028**

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 433-6183.

Sincerely,

**COPY**  
Dori Wiggin  
Coastal Supervisor  
DES Wetlands Bureau

**CERTIFIED MAIL #7001 0320 0003 3242 0780**

cc: Rene Pelletier, Manager, Land Resources Management Program  
Mark Harbaugh, DES Legal Unit  
Tom Fargo, Dover Conservation Commission  
Steve Stancil, City of Dover  
Tom Clark, City of Dover  
Alan Dews, City of Dover